



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 20, 1995

Ms. Emily E. Helm  
Director of Legal Services  
Texas Youth Commission  
P.O. Box 4260  
Austin, Texas 78765

OR95-1539

Dear Ms. Helm:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 36343.

The Texas Youth Commission (the "commission") received a request for the following information:

- 2) The name, title, race, and sex, of all Crockett State School employees who have been suspended with/or without pay, during an investigation of suspected mistreatment of students.
- 3) The name, title, race and sex, of all Crockett State employees who have not been suspended, during an investigation of suspected mistreatment of students.
- 4) The name, race, sex and title, of all Crockett State School employees who have resigned their positions as a result of an on-going investigation. Please include the investigation of the two (2) security staff who resigned in March of 1993.

You contend that this information is confidential pursuant to a newly enacted Family Code provision, and consequently, is excepted from required disclosure pursuant to section 552.101 of the Government Code.<sup>1</sup> You have submitted for our review three

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<sup>1</sup>The requestor also seeks information about Crockett State School employees who have received merit or bonus pay increases during the last three years. You inform us that you have released this information to the requestor.

investigation files related to the two members of the security staff referred to in item four of the request as well as a list of employees at the Crockett State School that were investigated for mistreatment of a child pursuant to Family Code section 261.401 over the last three fiscal years. The submitted list reflects whether an accusation of mistreatment of a child was founded or unfounded and notes any disciplinary action taken. You contend that the names of the individuals that are the subject of items two and three as well as the three sets of investigation records related to the two security staff members referred to in item four are confidential under the Family Code.

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

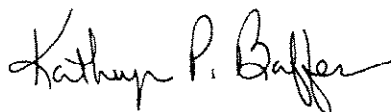
(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

See Act of May 26, 1995, 74th Leg., R.S., ch. 751, 1995 Tex. Sess. Law Serv. 3924 (to be codified at Tex. Fam. Code § 261.201(a)) (hereinafter "261.201(a)"). You contend that because the names of the persons responsible for any mistreatment were collected in connection with investigations, that the names requested in items two and three and the information contained in the three sets of investigation records submitted are confidential pursuant to the Family Code. See Fam. Code § 261.301(e)(2) (investigating agency shall determine the identity of person responsible for abuse).

The documents submitted for our review that were used or developed in an investigation of alleged mistreatment of children are confidential pursuant to section 261.201. Additionally, the release of that information is governed by section 261.201 rather than by chapter 552 of the Government Code. The list provided to this office that includes the names of individuals that have been the subject of mistreatment investigations and the resulting disciplinary action taken against them does not appear to be a file, report, record, communication, or working paper used or developed in an investigation under chapter 261 as required by section 261.201 to be confidential. Consequently, this list is not confidential and must be released to the requestor. The three sets of investigation records submitted for our review may be released only in accordance with section 261.201.

Since the commission has submitted only these documents for our review, this ruling relates only to the documents before us. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Kathryn P. Baffes".

Kathryn P. Baffes  
Assistant Attorney General  
Open Records Division

KPB/rho

Ref: ID# 36343

Enclosures: Submitted documents

cc: Mr. Karim Shabazz  
Texas State Employees Union  
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Dallas, Texas 75236  
(w/o enclosures)